

Serial No.: 09/739,714
Art Unit: 2127
Amendment dated June 15, 2004
Reply to Office Action March 16, 2004

REMARKS/ARGUMENTS

Claims 1 – 14 remain in this application.

The term “optimised” as used in claims 1, 4, 6, and 9 – 11 as filed is a common spelling variant of “optimized” with identical meaning. However, in view of the Examiner’s objection, the term “optimised” has been replaced by the term “optimized” in the amended claims as a formality.

Claims 1, 4 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leondires et al. (US 5,841,763; hereinafter Leondires) in view of Crawford (US 4,709,344) in view of Fadavi-Ardekani et al. (US 6,401,176; hereinafter Fadavi-Ardenkani). Further, Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leondires in view of Crawford in view of Fadavi-Ardekani in view of Weiss et al. (US 5,526,363; hereinafter Weiss). Further, Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leondires in view of Crawford in view of Lin et al. (US 6,606,306; hereinafter Lin). Further, Claims 10 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leondires in view of Crawford in view of Fadavi-Ardekani. Applicant respectfully traverses. For the Patent Office to establish obviousness in light of a combination of references, the Patent Office must do two things. First, the Patent Office must articulate a motivation to combine the references, and second, the Patent Office must support the motivation to combine the references with actual evidence. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Even if the combination is proper, the Patent Office must still further show where each and every element of the claim is taught or suggested in the combination of references. MPEP § 2143.03. If the Patent Office cannot show where each and ever claim element is located, the Patent Office has not established prima facie obviousness, and Applicant is entitled to a patent.

Serial No.: 09/739,714
Art Unit: 2127
Amendment dated June 15, 2004
Reply to Office Action March 16, 2004

Claim 1

Fadavi discloses a common memory that each of a plurality of processors can access, one at a time. A processor gains access to the common memory via an agent by sending a request to an arbiter.

Claim 1 requires "changing association of said stored given channel instance data" where, as previously defined in the claim, instance data is stored "for each of a plurality of channels" and "for each of a plurality of channels" the instance data "is associated with ...one processor".

Fadavi-Ardenkani has no disclosure of storing instance data; he merely allows different processors to access a shared memory. Therefore, Fadavi-Ardenkani also has no disclosure of changing the association of any such instance data.

For the foregoing reasons, even if Fadavi were combined with Leondires and Crawford, the combination would not meet the limitations of claim 1. As such, Leondires in view of Crawford in view of Fadavi could not be said to render claim 1 obvious.

Claims 2 – 8

Claims 2 – 8 depend from claim 1. In view of the above argument for claim 1, it is submitted that claims 2 – 8 are also not rendered obvious by Leondires in view of Crawford in view of Fadavi in view of Weiss.

Claim 9

Claim 9 has been amended to recite a method of processing communication channels, including "undertaking a channel processing task using a multiplexed memory having a plurality of

Serial No.: 09/739,714
Art Unit: 2127
Amendment dated June 15, 2004
Reply to Office Action March 16, 2004

channel memory partitions, each channel memory partition for storing channel instance data for a given channel". Claim 9 further requires "arranging for an associator to associate channel instance data stored in one of said channel memory partitions and associated with said given channel" with a "new task optimized processor".

Support for this amendment is provided, for example, in FIG. 1 and FIG. 2, and at page 6, line 15 to page 7, line 26 of the specification as filed. No new matter has been added.

Leondires in view of Crawford in view of Fadavi fails to teach or suggest all of the limitations of new claim 9, and it is submitted that new claim 9 is patentably distinguishable therefrom.

Claim 10

Fadavi-Ardenkani discloses a common memory that each of a plurality of processor can access, one at a time. A processor gains access to the common memory via an agent by sending a request to an arbiter.

Claim 10 requires "a multiplexed memory for storing channel processing instance data for each of said plurality of processors"

Fadavi-Ardenkani discloses a memory, but not one "for storing channel processing instance data for each of said plurality of processors".

Claim 10 also requires "an associator for associating channel processing instance data for each channel with one of said plurality of processors" and "on a channel processing task for a channel currently being processed by said each processor changing" associating "instance data for said channel with a processor optimized to" the "new task".

Fadavi-Ardenkani fails to disclose "instance data" at all, fails to disclose instance data for

Page 9 of 11

Serial No.: 09/739,714
Art Unit: 2127
Amendment dated June 15, 2004
Reply to Office Action March 16, 2004

each channel being associated with one of a plurality of processors, and fails to disclose changing the association of instance data from one processor to another at all, let alone when a task changes.

For the foregoing reasons, even if Fadavi were combined with Leondires, the combination would not meet the limitations of claim 10. As such, the combination could not be said to render claim 10 obvious.

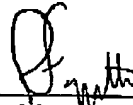
Claims 11 – 14

Claims 11 – 14 depend from claim 10. For the reason provided above in respect of claim 10, it is submitted that claims 11 – 14 are also patentably distinguishable from Leondires in view of Fadavi.

Serial No.: 09/739,714
Art Unit: 2127
Amendment dated June 15, 2004
Reply to Office Action March 16, 2004

Based on the above amendments and arguments, the Applicant respectfully requests reconsideration of the remaining claims, and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Ronald D. Faggetter
Registration No. 33,345

SMART & BIGGAR
438 University Avenue
Suite 1500, Box 111
Toronto, Ontario
Canada M5G 2K8
Telephone: (416) 593-5514
Facsimile: (416) 591-1690

Date: June 15, 2004
RDF/TWN/jbs 92118-57CIP